

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISIONJOHNNY A. HOWARD,
Plaintiff,

v.

VERIZON WIRELESS SERVICES, LLC,
and TRANSUNION, LLC,
Defendants.

No. _____

DEFENDANT TRANS UNION LLC'S NOTICE OF REMOVAL

COMES NOW, Trans Union LLC ("Trans Union"), incorrectly named Transunion, LLC, and files this Notice of Removal pursuant to 28 U.S.C. §1446(d) and in support thereof would respectfully show the Court as follows:

A. Procedural Background

1. On or about April 5, 2008, Plaintiff Johnny A. Howard ("Plaintiff") filed the Complaint in this action in the Circuit Court of Jefferson County, Alabama, Case No. CV 2008-901075.00 ("State Court Action") alleging violations of 15 U.S.C. §§ 1681, *et seq.*, the Fair Credit Reporting Act and various state law claims against the following Defendants: Verizon Wireless Services, LLC and Trans Union LLC.

2. The time period for filing a responsive pleading in the State Court Action has not expired as of the filing of this Notice of Removal. No orders have been entered in the State Court Action as of the filing of this Notice of Removal.

3. The Defendants were served with Plaintiff's Complaint on the following dates: Trans Union was served on April 9, 2008 and Verizon Wireless Services LLC was served with Plaintiff's Complaint on April 11, 2008. This Notice of Removal is being filed within the thirty (30) day time period required by 28 U.S.C. §1446(b).

B. Grounds for Removal

4. The present suit is an action over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1331 and may be removed to this Court by Defendant pursuant to the provisions of 28 U.S.C. § 1441(b), as it is a civil action founded on a claim or right arising under the laws of the United States. Removal is thus proper because Plaintiff's claims present a federal question. 28 U.S.C. § 1441(b). In the Complaint, Plaintiff seeks damages for Defendants' alleged violations of the Federal Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq*, and various state law claims. Moreover, Plaintiff's state law claims may be adjudicated by this Court pursuant to 28 U.S.C. § 1367.

C. Compliance with Procedural Requirements

5. Pursuant to 28 U.S.C. § 1446(b), this Notice is being filed with this Court within thirty (30) days after the first served defendant, Trans Union LLC, received a copy of Plaintiff's initial pleading setting forth the claims for relief upon which Plaintiff's action is based.

6. Pursuant to 28 U.S.C. § 1441(a), venue of the removal action is proper in this Court because it is in the district and division embracing the place where the state court action is pending.

7. Promptly after the filing of this Notice of Removal, Trans Union shall give written notice of the removal to the Plaintiff and will file a copy of this Notice of Removal with the Circuit Court of Jefferson County, Alabama, as required by 28 U.S.C. § 1446(d).

8. Pursuant to 28 U.S.C. § 1446(a), a copy of all process, pleadings, and orders served upon the Defendant Trans Union in the State Court Action is attached hereto as Exhibit "A".

9. Trial has not commenced in the Circuit Court of Jefferson County, Alabama.

10. The only other Defendant, Verizon Wireless Services, LLC, in this action has been served upon the date of filing of this Notice of Removal and consents to the removal of this case. Joinder in the Removal by Verizon Wireless Services, LLC, is being filed separately on this date.

WHEREFORE, Trans Union LLC respectfully prays that the action be removed to this Court and that this Court assume full jurisdiction as if it had been originally filed here.

Respectfully submitted,



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ATTORNEYS FOR TRANS UNION LLC

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing document has been forwarded to the following parties on May 9, 2008 as follows:

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